

Message Text

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CEA-01 CEQ-01 CG-00 CIAE-00 EPG-02 COME-00

DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01

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FROM LOS DEL

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS: SIT REP, JUNE 17

1. COMMITTEE I. CHAIRMAN ENGO RELEASED THE LATEST REVISED EVENSEN TEXT DEALING WITH KEY ASPECTS OF THE SEA BED REGIME (FULL TEXT AND DELEGATION COMMENTS TRANSMITTED SEPTEL). MEANWHILE, COMMITTEE I CONTINUED ITS DISCUSSION OF THE ASSEMBLY/COUNCIL MACHINERY, AND BRIEFLY SKIMMED OVER ARTICLES DEALING WITH VARIOUS TECHNICAL COMMISSIONS.

2. BELGIUM, NETHERLANDS, ITALY, CANADA AND AUSTRALIA GAVE EXPLICIT OR IMPLICIT SUPPORT TO THE US WEIGHTED VOTING PROPOSAL FOR THE COUNCIL (ARTICLE 27). AS EXPECTED, PERU, PAKISTAN, PRC, ALGERIA AND MEXICO STRONGLY CRITICIZED THE US, AS WELL AS THE USSR PROPOSALS, ASSERTING THAT THEY WOULD RESULT IN LIMITED OFFICIAL USE

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INDUSTRIAL COUNTRY DOMINATION OF THE COUNCIL.

3. AFTER AN UNEVENTFUL WEEK WITH ENGO AT THE HELM, COMMITTEE I WILL, HOPEFULLY, GET BACK INTO GEAR WHEN EVENSEN RETURNS JUNE 20 TO RESUME LEADERSHIP OF THE WORKING GROUP.

4. COMMITTEE II. DURING THE MORNING SESSION OF CONSULTATIVE GROUP III (DELIMITATION), THE SOVIET UNION AND POLAND INTRODUCED PROPOSALS IDENTICAL TO THOSE OF ALGERIA, LIBYA AND IRELAND DURING THE LAST MEETING, I.E., THE DELETION OF QTE EMPLOYING, WHERE APPROPRIATE, THE MEDIAN OR EQUIDISTANCE LINE, AND UNQTE FROM ARTICLES 62(2) AND 71(2). MOROCCO READ A RATHER CONVOLUTED PROPOSAL, THE EFFECT OF WHICH WOULD BE THE ASSERTION OF THE CONCEPT OF EQUITY, SPECIAL CONFIGURATIONS, AND RELEVANT CIRCUMSTANCES IN THE TEXTS OF ARTICLES 14, 62, AND 71. CHILE, ITALY, AND CANADA EXPOUNDED THE VIRTUES OF THE PRINCIPLE OF EQUIDISTANCE. CANADA ALSO TABLED A PROPOSAL WHICH WOULD DELETE ALL REFERENCES TO EQUITABLE PRINCIPLES IN ARTICLES 62(1) AND 72(1), SUBSTITUTE INSTEAD THE PRINCIPLE OF EQUIDISTANCE, FOLLOWED BY AN ALLUSION TO SPECIAL CIRCUMSTANCES. SPAIN TABLED AMENDMENTS TO PARAS. 2 AND 3 OF ARTICLES 62 AND 71. ITS PROPOSED AMENDMENT TO PARA 2 WOULD IMPOSE A DEFINITE TIME PERIOD DURING WHICH THE PARTIES IN DISPUTE WOULD HAVE TO REACH AGREEMENT BEFORE BEING OBLIGED TO RESORT TO DISPUTE SETTLEMENT. ITS AMENDMENT TO PARA 3 PROVIDES FOR THE APPLICATION OF PROVISIONAL MEASURES BY THE PARTIES PENDING NEGOTIATIONS OR THE OUTCOME OF DISPUTE SETTLEMENT, LIMITED OFFICIAL USE

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DURING WHICH TIME, UNLESS OTHERWISE AGREED THE PARTIES SHALL NOT REPEAT NOT EXERCISE JURISDICTION BEYOND THE MEDIAN LINE.

5. IN THE SMALL CONSULTATIVE GROUP ON THE LEGAL STATUS OF THE ECONOMIC ZONE, THE NETHERLANDS PROPOSED CROSS-REFERENCES IN ARTICLES 44.1(A), (B), (C), (D), TO OTHER PERTINENT PARTS OF THE CONVENTION AND PROPOSED DELETION OF THE WORD QTE EXCLUSIVE UNQTE IN 44.1(B) AND (C). MEXICO (CASTENADA) MADE A LENGTHY, UNHELPFUL STATEMENT TERMING ARTICLES 44, 46, 47 PERFECTLY BALANCED. THEY SPECIFICALLY OPPOSED THE UAE ARTICLE 46, ESPECIALLY AS IT REFERRED TO "HIGH SEAS" FREEDOMS. THE MEETING WAS HIGHLIGHTED BY A VERY STRONG STATEMENT BY THE US (CLINGAN), IN WHICH OTHER DELS WERE REMINDED IN THE STRONGEST TERMS THAT THE ISSUE BEFORE THE GROUP WAS QTE OF THE UTMOST IMPORTANCE UNQTE TO THE US. THE US MADE IT ABSOLUTELY CLEAR THAT IT WAS NOT SEEKING TO DETRACT FROM COASTAL STATE RESOURCE RIGHTS, BUT THAT ARTICLES 44, 46, AND 75 WERE UNACCEPTABLE

EVEN IF 44 AND 46 WERE CORRECTED, 75 MUST ALSO BE AMENDED. THE FRG AMENDMENT TO ARTICLE 75 (HIGH SEAS STATUS) WAS SUPPORTED AND US INDICATED WILLINGNESS TO STUDY AUSTRALIAN AMENDMENT OR OTHER AMENDMENTS OF SIMILAR LEGAL EFFECT. PERU AND URUGUAY REACTED AS MIGHT BE EXPECTED. YUGOSLAVIA SUPPORTED THE RSNT PROVISIONS.

6. COMMITTEE III. PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT.

IN THE SMALL NEGOTIATING GROUP CHAIRMAN VALLARTA (MEXICO) ASKED FOR A FRANK REVIEW OF THE PROBLEMS UNDERLYING ARTICLE 30 (COASTAL STATE ENFORCEMENT RIGHTS IN PORT, TERRITORIAL SEA, AND LIMITED OFFICIAL USE

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ECONOMIC ZONE FOR POLLUTION VIOLATIONS). THE USSR, FOLLOWED BY SEVERAL DELEGATIONS INCLUDING THE US, STATED THAT THE REAL PROBLEMS DID NOT INVOLVE THIS ARTICLE BUT RATHER ARTICLE 20(2) OF PART II (COASTAL STATE STANDARD SETTING ON THE TERRITORIAL SEA). THEY SAID AMENDMENTS SUBMITTED TO ARTICLE 20(2) MADE UNCLEAR WHAT SPECIFIC ENFORCEMENT RIGHTS WERE BEING DISCUSSED IN ARTICLE 30. US (LEITZELL) SUGGESTED THAT THE GROUP SHOULD BEGIN DISCUSSION OF 20(2) WITHOUT WASTING TIME AVAILABLE ON ARTICLE 30. SEVERAL DELEGATIONS EXPRESSED CONCERN REGARDING ARTICLE 30(7) (RELEASE OF VESSEL IF FLAG STATE HAS ASSUMED LIABILITY FOR POLLUTION VIOLATIONS).

7. TRANSFER OF TECHNOLOGY. YANKOV IDENTIFIED ARTICLES 85 AND 86 AS THE MAJOR UNRESOLVED ISSUES IN THE CHAPTER DEALING WITH TECHNOLOGY TRANSFER. IRAQ LED OFF BY SUGGESTING DELETION OF THE LANGUAGE IN ARTICLE 86 WHICH PROVIDES PROTECTION FOR THE LEGITIMATE INTERESTS OF HOLDERS AND SUPPLIERS OF TECHNOLOGY. THIS RECEIVED SOME SUPPORT FROM OTHER MEMBERS OF THE G/77. THE US SUGGESTED MOVING THIS ISSUE TO COMMITTEE I FOR DISPOSITION BUT ALSO SUPPORTED AN AMENDMENT TO ARTICLE 86 THAT ESSENTIALLY CROSS-REFERENCED PART I. THIS RECEIVED SOME SUPPORT BY THE INDUSTRIALIZED COUNTRIES.

8. IN DISCUSSING THE GENERAL CHAPTER, BRAZIL SUGGESTED THAT THE TEXT REFER TO ALL MARINE TECHNOLOGY, NOT JUST TO MARINE SCIENCE TECHNOLOGY. THERE WAS ALSO A GENERAL ATTACK ON ARTICLE LIMITED OFFICIAL USE

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79 WHICH REQUIRES RESPECT FOR ALL INTERESTS
INCLUDING THOSE OF THE HOLDERS, SUPPLIERS AND
RECIPIENTS OF TECHNOLOGY.
MCHENRY

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